GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:283
ANSWERED ON:22.03.2017
Speedy Disposal of Cases
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Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of the average disposal of cases by a High Court Judge in a day;
(b) whether on an average, 57 to 80 percent cases have taken 10 to15 years to be disposed of in High Courts;
(c) if so, the reasons for such inordinate delay and the system put in place for timely disposal of cases;
(d) whether the Government has taken any concrete action plan to improve the disposal of the cases and efficacy of the system; and
(e) if so, the details thereof along with the success achieved as a result thereof so far?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) of LOK SABHA STARRED QUESTION NO. *283 FOR ANSWER ON 22ND MARCH, 2017.

(a) to (e): The average time taken for disposal of cases depends on several factors such as category of the case such as civil or criminal, complexity of the circumstances and facts involved, nature and availability of evidences, co-operation of various stake-holders viz. bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules and procedures. Hence, average disposal of cases differs from case to case and from High Court to High Court. It may not be practicable to compare the time taken for disposal of cases by various High Courts in the country due to involvement of several factors. The courts operate in different environment on account of difference in availability of infrastructure facilities, use of technology, number of availability of Judges, docket ratio, provisions of substantive laws and procedures in courts.

The Government does not maintain data on average disposal of cases per judge and the average time taken for disposal. However, as per Court News, Supreme Court during the period of the year from 01st October, 2015 to 30th September, 2016, 15.86 lakh cases were disposed by the High Court having working strength of 597 Judges as on 30.09.2016, which works out as average disposal of 2,657 cases by a High Court Judge during this period.

Disposal of cases pending in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

During the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of the High Courts in the Conference held on 03rd and 04th April 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. It was further resolved in the Conference of Chief Justices of the High Courts held in April, 2016, that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to (a) prioritize the disposal of cases falling in these categories within the existing court system; (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases. As per information available, Arrears Committees have been set up by the High Courts.

In addition, following steps have also been taken by the Government in the matter.

(i) The sanctioned strength of Judges of High Courts has been increased from 906 judges in June 2014 to 1079 judges in May, 2016.
(ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 21,374 in September, 2016.
(iii) The filling of vacancies of Judges / Judicial officers in Districts and Subordinate Courts is within the domain of the State Governments and the High Courts concerned. However, Government takes up the matter with the High Courts from time to time to fill up the vacancies of Judges / Judicial Officers of District and Subordinate Courts.
(iv) In May 2015, a communication was addressed to the Chief Justices of High Courts requesting them to apprise the action being

taken to make the recruitment process more broad based to fill up the existing vacancies of judicial officers / judges at all levels in the District and Subordinate Courts to enable the Government to take a view on the need for formation of All India Judicial Service. Most of the High Courts have indicated that the recruitment process which is in their domain for vacancies in subordinate judiciary at all levels has been expedited in terms of the resolution passed in the Conference of Chief Justices held in New Delhi in April 2015. The selections for the various posts in subordinate judiciary are being conducted by State Governments / High Courts in consonance with the directions of the Hon'ble Supreme Court in Malik Mazhar Sultan case Vs UP Public Service Commission.

(v) All State Governments have notified the State Litigation Policies so as to reduce Government Litigations. National Litigation Policy is on the anvil.

(vi) Promotion of Alternative Dispute Resolution (ADR) mechanism is a key strategy for reducing delays and pendency in courts.

(vii) National Legal Services Authority (NALSA) is a key tool for access to justice for poor people in India, under the overall supervision of the Chief Justice of India as the Patron-in Chief. It organised the National Lok Adalat in February, 2017. 6.39 lakh pending cases and 2.95 cases at the pre-litigation stage were disposed.

(viii) 1175 obsolete laws have been repealed.

(ix) Recently, the Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtaining the Government litigations. The Government has written to all Ministers of Central Ministries and Chief Ministers of States to launch 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.

(x) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in the last 26 years. In addition, the tenure of 22 Additional Judges of High Courts was also extended. Besides, based on the proposal received from the Supreme Court Collegium, 4 judges were appointed in the Supreme Court in 2016. During the current year (2017), as on date, 5 more Judges has been appointed in Supreme Court, 9 more Judges have been appointed in High Courts and 16 more Additional Judges have been made permanent.

(xi) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 FTCs for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of Rs. 4144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Prime Minister had written to all Chief Ministers on 23rd April, 2015 followed by reminders from the Hon'ble Minister of Law & Justice to make available the fund recommended by the 14th Finance Commission to judiciary from the additional fiscal space available under the 14th Finance Commission.

(xii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, The Government vide its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the Judiciary where the Chief Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan fund and timely completion of infrastructure and eCourts Mission Mode project. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

(xiii) The Government vide a letter dated 3 Feb 2017, addressed the Chief Justices of the 24 High Courts, raising concerns regarding the increased number of undertrials in jails across the country. The Government, in underscoring the importance of fair trial for every accused, requested the High Court to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee mechanism. So far, two High Courts − Punjab and Haryana High Court and Madhya Pradesh High Court − have responded to this letter who have assured action on this front.

(xiv) As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017 in the matter of Imtiyaz Ahmed Case, the Department of Justice has forwarded a copy of interim report of the NCMS (National Court Management System) Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Judges Strength of district judiciary based on the NCMS report.

(xv) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.

(xvi) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast rack procedure, to ensure Neutrality of arbitrators, and to restrict the term 'Public Policy of India' (as a ground for challenging the award)

(xvii) The Negotiable Instruments (Amendment) Act 2015 has been notified to clarify the jurisdiction where dishonour of cheque cases may be filed and provide for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.